

## POLICE OFFICER GUIDELINES

### Reasonable Suspicion (or "reason to suspect")

There is a "reasonable suspicion" that a particular situation exists if a reasonable peace officer (that is, an officer with good common sense) draws conclusions from facts which he receives from reliable sources or which he has personally observed that the particular situation exists. This must be more than a hunch. The officer must be able to state, rather than just "feel", his conclusions and he must be able to state how he arrived at those conclusions. That is, if he concludes that a man is carrying a gun, he must be able to say that he based that conclusion on facts, which he observed, such as a bulge in his coat, or his hand thrust in his pocket. The officer may rely on his experience to support his conclusions: some circumstances may mean very little to the average citizen, but mean something to an experienced police officer.

### Probable Cause

Probable cause to believe that a certain situation exists is more difficult to establish than mere "reasonable suspicion." As with "reasonable suspicion," a reasonable officer may draw conclusions related to him from reliable sources or from circumstances he has personally observed. Again, he must be able to state the conclusions and the facts, which support them. Unlike reasonable suspicion, the facts must be able to do more than simply lead an experienced police officer to suspect that a certain situation exists. To establish probable cause, the facts must be so strong that they will lead a **neutral independent magistrate** to conclude that under the **totality of the circumstances** there is a **fair probability** that a suspect committed a crime or that sizeable items are on certain premises.

### Search of Students on School Property By or On Behalf of Police Officers

Although school officials may conduct student searches based upon reasonable suspicion, police officers must have *probably cause and a valid search warrant or a valid search warrant exception* to participate actively in a student search on school property. Additionally, a school official who undertakes a search of a student, locker, or student vehicle at the request of or in cooperation with a law enforcement officer must also have probably cause or a valid search warrant to undertake such a search. For instance, if law enforcement officials are invited onto the campus to conduct a locker inspection with drug detection canines, courts would likely hold that probably cause and a warrant would be required to open a locker when the dog alerts to the presence of illicit substances.

## **What is a "Search"**

A "Search" means conduct by a school employee that involves intrusion into a person's protected privacy interests by examining items or places that are not out in the open or exposed to public view.

The following are examples of searches:

- Examining items or places that are not in the open and exposed to public view.
- Physically examining or patting down a student's body or clothing, including the student's pockets.
- Opening and inspecting personal possessions such as purses, back packs, bags, books, and closed containers.
- Handling or feeling any closed, opaque item to determine its contents when they cannot be inferred by the item's shape or other publicly exposed physical properties.
- Using any extraordinary means to enlarge the view into closed or locked areas, containers, or possessions, so as to view items not in plain view and exposed to the public.

## **What is *not* a "Search"**

The following are *not* searches:

- Observing an object after a student denies ownership of an object.
- Observing an object abandoned by a student.
- Observing any object in plain view, exposed to the public.
- Peering into car windows, so long as this is done without opening the door or reaching into the vehicle to move or manipulate its contents.
- Detecting anything exposed to the senses of sight, smell or hearing, as long as school officials are located in a place where they have a right to be and extraordinary means were not used to gain a vantage point.

## **What is a "Seizure"**

A "Seizure" describes two distinct types of governmental action. A seizure is (1) when a school official interferes with a student's freedom of movement (seizure of a person), or (2) when a school official interferes with a student's possessory interest in property (the seizure of an object).

**Student searches by school officials must be justified at their inception and reasonable in scope.**

- The Fourth Amendment to the United States Constitution protects students from unreasonable searches by public school officials on school property, school buses, and at school events.
- Unless they are acting as agents of the police, school officials and school security officers do not need to establish probable cause to justify the search of a student on school grounds, school buses, and at school events; reasonable suspicion of a violation is sufficient.



Student searches by school officials and school security guards on school property, school buses, and at school events are justified if the following two-prong test is met:

1. **Justified at its Inception.** The search must be justified at its inception. A student search is justified when there are specific and articulable facts known to the school official, which taken together with rational inferences from these facts, create reasonable suspicion of criminal activity or of school rule violations.
2. **Reasonable Scope.** The search must be reasonably related in scope to the circumstances that justified the initial interference. In other words, a search will be permissible when the measures adopted are reasonably related to the objective of the search and not excessively intrusive given the type of infraction and the age and sex of the student. *New Jersey v. T.L.O.*, 469 U.S. 325, 105 S. Ct. 733 (1985); *People v. Interests of P.E.A.*, 754 P.2d 332 (Colo. 1988).

### **A. TO INITIATE A STUDENT SEARCH, SCHOOL OFFICIALS MUST MEET THE REASONABLE SUSPICION STANDARD.**

To initiate a lawful search, a school official or school security officer must have *reasonable suspicion* to believe all of the following:

1. A criminal law or school rule has been or is being violated;
2. A particular student or group of students has committed a criminal law or school rule violation;
3. The suspected criminal law or school rule violation is of a kind for which there may be physical evidence; and
4. The sought-after evidence would be found in a particular place associated with the student(s) suspected of committing a criminal law or school rule violation.

The concept of "*reasonable suspicion*" is founded on common sense. A school employee will have "*reasonable suspicion*" if he or she is aware of objective facts and information that – taken as a whole – would lead a reasonable person to suspect that a rule violation has occurred, and that evidence of that infraction can be found in a certain place. "*Reasonable suspicion*" means a suspicion that is based on reasons that can be articulated. It is more than a mere hunch or supposition.

#### **Specific Factors that justify a Search**

In deciding whether there are reasonable grounds to initiate a search, the teacher or school administrator may consider all of the attending circumstances. Moreover, the attending facts and circumstances should not be considered in artificial isolation, but rather should be viewed together and taken as a whole. For example, a piece of information viewed in artificial isolation might appear to be perfectly innocent, but when viewed in relation to other bits of information might thereafter lead to a reasonable suspicion of wrongdoing. In other words, the whole may be greater than the sum of its parts.

The following factors may be considered in determining whether reasonable grounds exist to initiate a search:

- Observed criminal law or school rule violation in progress.
- Observed weapon or portion of weapon.
- Observed illegal item.



- ▣ Observed item believed to be stolen.
- ▣ Student found with incriminating items.
- ▣ Smell of burning tobacco or marijuana.
- ▣ Student appears to be under the influence of alcohol or drugs.
- ▣ Student admits to criminal law or school rule violation.
- ▣ Student fits description of suspects of recently reported criminal law or school rule violation.
- ▣ Student flees upon approach of school official.
- ▣ Reliable information provided by others.
- ▣ Threatening words or behavior.
- ▣ Evidence incriminating one student turned over by another student.
- ▣ Student to be searched has history or previous similar violations;
  - Student was previously disciplined for a similar infraction or criminal offense; or
  - Student was already subject of investigation for a similar infraction or criminal offense.
- ▣ Report of stolen item, including description and value of item and place where item was stolen.
- ▣ Student seen leaving areas where criminal law or school rules violations are often committed.
- ▣ Student became nervous or excited when approached.
- ▣ Emergency situations, where school official can provide immediate assistance to avoid serious injury.

## **B. SCHOOLS MAY CONDUCT SEARCHES WITH THE CONSENT OF THE STUDENT.**

If a school official has information meeting the reasonable suspicion standard, the student's consent is not required to initiate a search. However, a student may also consent to a search of his or her belongings, thereby waiving Fourth Amendment rights. To be valid, the consent must be **knowing and voluntary**. As a practical matter, the most reliable way to establish that the student giving consent knew that he or she had the right to refuse is to inform the student of that right. The notice can be given orally, or can be printed on a consent to search form. Be sure to obtain the student's signature on the consent form prior to the search. Because a student's consent to search must be clear and unequivocal, a written waiver is the preferred method of obtaining permission, although a search will not be invalid merely because the permission is given orally. It should also be noted that, if the school official is acting as an agent of the police, different rules apply and any statement the student makes may be suppressed at a criminal trial unless a parent or guardian is present and the student is advised of her or his *Miranda* rights.

It is a good practice for the school employee to inform the student why permission to search is being sought, and what the school employee believes will be revealed. While not necessarily required by law, providing such information will help demonstrate that the consent was informed, or **knowing**. To be **voluntary**, the request for consent must not be made in an inherently coercive or intimidating environment. The consent must be given without threat of punishment. Under no circumstances may the school employee seeking consent threaten a student with punishment if the student refuses to give permission to search.

The fact that a student refuses to give consent cannot be used as evidence that the student has "something to hide." Also, a student may terminate consent at any time, and the student's request to terminate the search must be honored. However, any evidence



observed before consent was terminated may be seized. Also, if during the consent search, a school employee develops *reasonable suspicion* that evidence of an offense or school rule infraction will be found in the place being searched or any other place, considering the totality of the circumstances, then the school official may continue to search even after the consent has been withdrawn and over the student's objections.

### **C. THE FACTORS JUSTIFYING A STUDENT SEARCH SHOULD BE DOCUMENTED**

The Fourth Amendment only prohibits searches that are *unreasonable*. The key to meeting the reasonableness test, simply stated, is to document all the *reasons* justifying the school employee's decision to undertake the search. Most Fourth Amendment violations are thoughtless ones. When school employees think carefully about what they are doing and try consciously to minimize the intrusion upon the student's privacy rights, they are far less likely to violate the Fourth Amendment.

Thus, school employees should carefully *document* all of the facts that were known before conducting a search, as well as any information learned during the course of conducting a search. The timing and sequence of events is crucial. An investigation must be thought of as a step-by-step process where each step in the unfolding sequence of events is justified by the information learned in the preceding steps. For example, a school employee must have a reasonable suspicion to believe an offense or infraction was committed before opening a locker or book bag to search for evidence of the infraction. School officials should carefully document not only all relevant facts and observations, but also the reasonable, common sense inferences that can be drawn from the information at hand based upon that official's training and experience. Schools may wish to adopt a Student Search Report Form.

### **D. RECOMMENDED PROCEDURES FOR SEARCHING STUDENTS**

Once reasonable grounds to conduct a search have been established, the next step is to discuss the scope of the actual search; that is, the degree to which the teacher or school administrator may peer into or poke around a student's belongings. The general rule is that a search will be allowable in scope when it is reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the suspected violation. Once again, the permissible scope of any search is bounded by the dictates of common sense. At all times during the search, the school employee conducting the search has to keep firmly in mind what he or she expects to find. School officials are never permitted to undertake a "fishing expedition" during a reasonable suspicion search.

The school employee conducting the search must follow a logical strategy designed to minimize the intrusiveness of the search and to complete the search as quickly and easily as circumstances allow. He or she should begin at the location where the sought-after item is most likely to be kept, based upon available information, reasonable inferences, and customary practices. School officials should not begin by searching a student's person where there are also reasonable grounds to believe that the sought-after item(s) are kept in a locker or a backpack that can be easily separated from the student (unless the information available to the school official indicates that the item will most likely be found in the clothing the student is wearing).



A search should be no broader in scope or longer in duration than is reasonably necessary to fulfill its legitimate objective. There must be a logical connection between the thing or place to be searched and the item that is expected to be found there. For instance, a school teacher's reasonable suspicion that a student stole a textbook would not justify a search of that student's clothing, or of containers such as a purse too small to conceal the missing textbook. Nor would a suspicion that a student's book bag conceals drugs permit a school official to read a diary kept in the book bag. Furthermore, school officials should be careful never to damage the property belonging to a student.

When a school official has reasonable suspicion to conduct a search of a student's locker, the school official would also be authorized to open and inspect any closed containers or objects that are stored in the locker, provided there are reasonable grounds to believe that the sought-after item could be concealed in the container that is to be opened.

Even though school officials are empowered to use reasonable and appropriate physical intervention or force to maintain order, school teachers and school officials are urged to avoid using force to effectuate a search whenever possible. Where force must be used, it should be no greater than that necessary to restrain the student and protect against destruction of evidence or the use of a weapon. Furthermore, before actually using physical force, school officials should, if appropriate under the circumstances, tell the student that his or her behavior will make the use of force necessary to effectuate the search and seizure, thus providing the student a last opportunity to peacefully submit to authority.

One way to reduce the likelihood that actual or threatened force will be necessary is first to confront the student and conduct the search in the principal's office or at some other location away from the student body. By isolating the student, school officials can eliminate the incentive for the student to try to impress peers by resisting. Once the student is isolated, be sure to confront the student with more than one school official or teacher on hand. This tactic serves to reduce the possibility that other students might come to the suspect's rescue, create a disturbance, or otherwise try to interfere with the search or intimidate outnumbered school officials.

### **Recommended Student Search Guidelines**

In conducting student searches, the school teacher or officials should always adhere to the following general guidelines:

- A. Remove students to a private area. Personally escort the students to be searched to the office. Maintain visible contact with the students from the time they are retrieved from the classroom to the time they reach the search location to ensure they do not abandon contraband. At least two staff members should escort the students to provide extra support in monitoring that the students do not flee or resist the school officials. Stops along the way to the search location should not be permitted.
- B. Always watch the student's hands. If a student is suspected of having a weapon or drugs, the student may try to discard it if the opportunity arises. This can occur from the time the student is told to accompany a school official to the office up to and including the time when the student is actually in the office and being searched. Never allow a student to follow behind a staff member where the student cannot be observed.
- C. Always have another school official present as a witness from the inception of the search until the evidence is properly secured. This will strengthen any case brought against the student and protect the searcher from charges of improper conduct.



- D. Student searches should be conducted and witnessed by school officials of the same gender as the student. This will help protect the rights of the students as well as protect the searcher from claims of impropriety.
- E. Searches should be conducted in a discreet manner to cause the least amount of embarrassment possible. Only the searcher, witnesses and student should be present. A student should never be searched in front of another student. Student searches should be conducted in a private area where there will be no interruptions.
- F. Tell students what you are looking for and give them a chance to surrender the item. Before beginning the search, ask the students if they have anything in their possession that violates the criminal law or school rules. If they hesitate, tactfully advise them that you have reasonable suspicion that they do possess such an item. Further explain that you plan to conduct a search, and that it would save everyone time and unnecessary embarrassment if the student cooperates. See Section B on "Consent Searches."
- G. Students should first remove all outer clothing such as coats, sweaters, hats, and shoes. Students should not necessarily be required to remove inner layers of clothing in direct contact with the skin, unless school officials have authorization from the school district to conduct strip searches and justification to conduct a strip search (see discussion of strip searches below). Students should remove all objects from their pockets. These items should be laid aside until the student search is complete. Conduct a pat down search on the side of the student's body working from top to bottom on each side. Do not stop if contraband is found. Continue until all places have been searched. Next, turn attention to items that had been set aside. Items that could conceal contraband should be searched. Remember: the scope of the search must be reasonably related to the circumstances that justified the search and the item sought.
- H. Seize any item that violates a criminal law or school rule or provides evidence of a criminal law or school rule violation. Each seized item should be placed inside a separate sealed envelope. The envelope should be marked with inventory information including a description of the item seized, date and time of the seizure, source of item, name of the person who seized item, and name of the person who witnessed the search. Seized evidence should be secured in a locked storage area with restricted access. Where a potential criminal violation is involved, the seized evidence should be transferred to the police in a timely manner.

#### **Car searches on school property are permissible in certain circumstances.**

A student's car brought on school property is subject to no greater protection than a student's purse or book bag and, thus, may be subject to a search conducted by school officials provided, of course, that the facts meet the reasonable suspicion test.

It is a good idea to provide advance notice to students that vehicles brought on school property may be subject to search by school officials when there is a particularized reason to believe that evidence of a crime or violation of school rules would be found in the vehicle. It is especially important to provide such advance notice if any such vehicle searches are to be conducted pursuant to a suspicionless or random inspection program (discussed in the next section). Providing such advance notice to students that vehicles parked on school grounds are subject to search provides students with an opportunity either to keep highly personal items out of these vehicles or to choose another means of transportation to and from school. In regards to such notice, school districts may wish to post signs in school-owned parking lots notifying students that all cars are subject to school searches, thus lowering the students' expectation of privacy. School districts can also adopt

### **CHECKLIST FOR SEARCHING STUDENTS:**

- ✓ Remove student to private area.
- ✓ Closely observe student during removal and search.
- ✓ Have another school official present during procedure.
- ✓ Have school officials of same gender as student conduct and witness search.
- ✓ Offer student opportunity to surrender item.
- ✓ Search student for item connected to criminal law or school rule violation.
- ✓ Seize any item that violates a criminal law or school rule or provides evidence of a criminal law or school rule violation.
- ✓ For each item seized, prepare the following chain of custody checklist.

### **CHAIN OF CUSTODY CHECKLIST:**

1. Write down inventory information for the seized item.
2. Inventory information should include:
  - a. Description of item seized.
  - b. Date and time of the seizure.
  - c. Source of seized item (from whom and location obtained).
  - d. Name of person who seized item.
  - e. Name of person who witnessed the search.
3. Place each item seized in separate sealed envelope marked with inventory information.
4. Secure evidence in locked storage area with restricted access.
5. Do not leave evidence unattended before it is placed in locked storage area.
6. Transfer evidence to police in sealed envelopes in timely manner.



## **Schools should exercise caution if they conduct strip searches of students.**

The term "strip search" includes "nude" searches, a search that reveals a student's undergarments, and a search that includes the removal or re-arrangement of clothing for the purpose of visual inspection of the student's buttocks, genitals, or breasts. The term "strip search" does not include removal of outer layers of clothing not in direct contact with the student's skin, such as jackets or sweaters worn over other clothing. Although strip searches may be appropriate in certain circumstances, strip searches constitute a gross invasion of privacy, especially when the subject of the search is a child. Therefore, school districts should contact their school attorneys and local prosecutors for guidance and training on when it is appropriate to initiate such a search.

The Courts have noted that "the Fourth Amendment applies with its fullest vigor against any indecent or indelicate intrusion on the human body." *Horton v. Goose Creek Indep. Sch. Dist.*, 690 F.2d 470 (5<sup>th</sup> Cir.), cert. Denied, 463 U.S. 1207, 103 S.Ct. 3536 (1982). For this reason, school officials should be especially cautious before undertaking a search of a student's person. School officials should be mindful that courts will more closely scrutinize the facts justifying a search where the search is particularly intrusive, such as one that involves the strip search or physical touching of a student's person.

As a general rule, students should not be subjected to strip searches or physical touching to find evidence of comparatively minor infractions of school rules, such as possession of chewing gum, candy, or cigarettes. School officials must use common sense and should carefully consider the seriousness of the suspected infraction before conducting a physical search of the student's person. In short, courts are likely to afford school officials with more latitude in conducting a search for a suspected gun or switchblade or drugs than a search for cigarettes. Also, many school districts have policies prohibiting strip searches of students; school officials should familiarize themselves with their school district's policies in this area.

Like other non-random searches, a strip search must be justified at its inception, meaning that there exists reasonable suspicion that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. The search itself must also be reasonable in scope; meaning that the extent of the search must be reasonably related to its objectives and not expressly intrusive in light of the age and sex of the student and the nature of the infraction.

Courts have upheld strip searches when there exists reasonable suspicion that the search will reveal evidence of drug possession, weapons, or theft; but have found the generalized strip search of an entire 5<sup>th</sup> grade class over a missing \$5 bill, and a strip search involving a student "acting suspiciously" in a parking lot, to be invalid. *Cornfield v. Consolidated High School Dist. No. 230U*, 991, F.2d 1316 (7<sup>th</sup> Cir. 1993); *Bellnier v. Lund*, 438 F. Supp. 47 (N.D.N.Y. 1977).

If school officials have reasonable suspicion to believe that a particular student is hiding drugs or weapons under his or her clothing, a strip search may be deemed reasonable in certain limited circumstances if the search is conducted in a careful manner. School officials of the same sex as the student should always conduct the strip search in private. Two school officials should be present during any strip search. School officials should always seek approval from school administrators before commencing a strip search. Nobody else should be present in the room. The school official may wish to attempt to seek the consent of the student for the search (see Section B above). The student should be ordered to remove his or her street clothes. The school officials may then visually inspect the student and physically inspect the clothes. The scope of the search should be strictly limited to what



is necessary to identify the type of contraband sought – a search for a suspected handgun, for instance, may necessitate removal of the student's baggy pants or sweater, but not the student's undergarments.

**Summary of Student Searches by School Officials:**

Search Area	Expectation of Privacy	Required Justification For Search
Student's person or property	YES	Reasonable suspicion and/or Consent
Car	YES	Reasonable suspicion and/or Consent
Lockers, Desks, Other Storage Areas in School	YES or NO, Depending on School Policy	No justification for random search. Also reasonable suspicion standard or consent.
Abandoned property, denial of ownership and property in plain view	NO	No justification for search required.

**E. GENERALIZED OR SUSPICIONLESS SEARCHES ARE APPROPRIATE IN CERTAIN CIRCUMSTANCES IF CONDUCTED IN NONDISCRIMINATORY MANNER.**

Given the serious security and discipline problems existing in some school districts, it is sometimes appropriate and necessary to conduct routine searches that are not based upon a suspicion that a particular student has committed an offense or infraction. These suspicionless search or inspection programs are sometimes referred to as "sweep" or "blanket" searches.

A suspicionless search may be permissible when the search serves "special needs, beyond the normal needs of law enforcement." *Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602, 109 S.Ct. 1402 (1989). "In limited circumstances," the United States Supreme Court has observed, "where the privacy interests implicated by the search are minimal, and where an important government interest is furthered by the intrusion would be placed in jeopardy by a requirement of individualized suspicion, a search may be reasonable in the absence of such suspicion." *Id.*

Suspicionless searches are not designed to catch offenders, but rather serve **to prevent**



## STUDENT SEARCHES POLICY

Students have the right to be free from unreasonable searches and seizures under the Fourth Amendment to the U.S. Constitution. Balanced against this right is the school official's responsibility to create and maintain a school environment consistent with the school's educational mission. School personnel may search individual students and their property when they have reasonable grounds or reasonable suspicion to believe that the search will uncover evidence that the student is violating the law or the rules of the district or the school. All staff members must exercise discretion, good judgment, and common sense in all student searches.

- 1. Justification for searches.** School authorities are authorized to conduct searches of students or their property when there is a "reasonable suspicion" that a student is in possession of an item or substance that represents a threat to school routine, or is prohibited by school board regulations or by law. Reasonable suspicion requires school personnel to be able to articulate the facts and inferences that led them to believe that a student had violated the law or school policy. Personnel may consider all factors involved, including but not limited to: their training and experience; their personal observation; the reliability of informant information; their previous experience with the student to be searched; their knowledge of the student's age, reputation, and discipline record; the seriousness of the suspected violation; and the urgency to protect the health and safety of others. For example, if a staff member hears a report from another student that a student has a gun, this would usually be enough to create reasonable suspicion that warrants searching the student suspected of having the gun.
- 2. Scope of search.** Remember that the scope of the search must be reasonably related to the goals of the search, and not excessively intrusive in light of the age of the student and the nature of the violation. For example, a pat-down search of a student when you're looking for a small amount of lost money is not reasonable, whereas the same search for a weapon would be reasonable.
- 3. Principal must authorize search.** Staff members shall notify the principal before conducting a search, except in "exigent circumstances" – that is, in urgent situations in which a threat to health and safety exists, and the principal is not readily available.
- 4. Have principal or other staff member present.** If possible, the principal must be present for all student searches. If the principal is not available, the staff member conducting the search should have another person present before conducting the search, except in exigent circumstances.
- 5. Searches conducted in private.** Searches should be conducted in private and out of the presence of other students with another person present, except in exigent circumstances.
- 6. Pat-down searches.** Student searches may include a frisk or pat down of clothing if school personnel think it is necessary. A member of the same sex must conduct these searches with other person present, except in exigent circumstances.
- 7. No strip searches.** In searching students, staff members may go as far as asking students to remove their shoes or jackets. Staff members – except School Resource Officers – must not conduct strip searches. If a staff member believes a strip search is necessary, he or she should call the police or the School Resource Officer.
- 8. Notify parent or guardian.** Immediately after a search of a student or a student's belongings, the principal shall call the parent or legal guardian of the student and notify him or her of the outcome.



students from bringing or keeping dangerous weapons, drugs, alcohol, and other prohibited items on school grounds. These inspection programs are intended to send a clear message to students that certain types of behavior will not be tolerated.

In most cases, school officials acting entirely on their own authority, without the assistance of or active participation should conduct such suspicionless searches by a law enforcement agency. It is critical to note that where a law enforcement agency does participate in the search by providing the services of a drug detection dog, the rules governing the legality of the search could become quite different. As a general proposition, the greater the involvement and participation of a law enforcement agency, the greater the likelihood that the law enforcement involvement will trigger stricter rules and subject the entire inspection program to enhanced scrutiny by the courts.

It is important to note that, while demonstrably effective, random searches pose a greater risk of a successful legal challenge, especially since the state of the law remains unsettled in this area. Additionally, because all legal challenges will turn on the individual facts of the case presented to the court, a search policy that is perfectly suitable for one school district facing certain problems may be less suitable or even unreasonable if undertaken by a different school district or building facing less severe problems. Thus, school officials are urged to consult with legal counsel when planning to implement any particular random search or inspection plan in their school.